



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

COPY MAILED

JAN 08 2009

OFFICE OF PETITIONS

In re Application of :
Takahashi et al. :
Application No. 10/782,813 : LETTER REGARDING
Filed: February 23, 2004 : PATENT TERM ADJUSTMENT
Atty Docket No. 023971-0370 :

This letter is in response to the "LETTER (UNDER GENERAL OBLIGATION OF CANDOR AND GOOD FAITH IN PRACTICE BEFORE THE OFFICE)" filed November 6, 2008. Pursuant to applicants' duty of good faith and candor to the Office, applicants disclose that the initial determination of patent term adjustment mailed with the Notice of Allowance should be two hundred sixty-six (266) days not two hundred eighty-seven (287) days.

The request for correction of the initial determination of patent term adjustment (PTA) is **DISMISSED**.

On October 3, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 287 days. Applicants disclose that the Office erroneously charged themselves 21 additional days of delay.

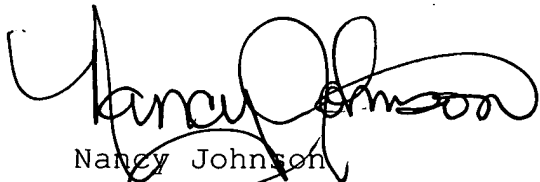
The application history has been reviewed and it has been decided that the determination of patent term adjustment is correct. Under the circumstances of this application, the period of adjustment of 21 days for Office delay in taking more than four months to mail a Notice of Allowance in response to the Notice of Appeal is correct.

In view thereof, the determination of patent term adjustment at the time of the mailing of the notice of allowance of two hundred eighty-seven (287) days is correct.

As this letter was submitted as an attempt to advise the Office of an error in Applicants' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

The Office of Data Management has been advised of this decision. The application is, thereby, forwarded to the Office of Data Management for issuance of the application. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized loop at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions